

(3) guarantee a financial obligation of a retailer;

(4) make or offer to enter an agreement, condition, or system which will in effect amount to the shipment and delivery of alcoholic beverages on consignment;

(5) furnish, give, rent, lend, or sell to a retail dealer any equipment, fixtures, or supplies to be used in selling or dispensing alcoholic beverages, except that alcoholic beverages may be packaged in combination with other items if the package is designed to be delivered intact to the ultimate consumer and the additional items have no value or benefit to the retailer other than that of having the potential of attracting purchases and promoting sales;

(6) pay or make an allowance to a retailer for a special advertising or distribution service;

(7) allow an excessive discount to a retailer; or

(8) offer a prize, premium, gift, or similar inducement to a retailer or to the agent, servant, or employee of a retailer.

*(g) Subsection (a) does not prohibit a permittee covered under Subsection (a) from prearranging or preannouncing a promotional activity otherwise permitted by this code with a retailer about a promotional activity to be held on the retailer's premises. A holder of a wholesaler's or class B wholesaler's permit may prearrange a promotional activity only for distilled spirits or wine. A permittee may not:*

*(1) preannounce a promotion to a consumer, if the permittee is the holder of a wholesaler's or class B wholesaler's permit; or*

*(2) preannounce the purchase of wine or distilled spirits to a consumer.*

SECTION 2. This Act takes effect September 1, 1999.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 21, 1999, by a viva-voce vote; passed the House on May 19, 1999, by a non-record vote.

Approved June 18, 1999.

Effective September 1, 1999.

## CHAPTER 425

### S.B. No. 1125

#### AN ACT

relating to mediation in certain criminal cases.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Article 26.13, Code of Criminal Procedure, is amended by adding Subsection (h) to read as follows:

*(h) Notwithstanding this article, a court shall not order the state or any of its prosecuting attorneys to participate in mediation, dispute resolution, arbitration, or other similar procedures in relation to a criminal prosecution unless upon written consent of the state.*

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 23, 1999: Yeas 28, Nays 1; the Senate concurred in House amendment on May 18, 1999, by a viva-voce vote; passed the House, with amendment, on May 13, 1999, by a non-record vote.

Approved June 18, 1999.

Effective August 30, 1999, 90 days after date of adjournment.

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## CHAPTER 426

### S.B. No. 1127

#### AN ACT

relating to the purchase of goods and services by the state.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 2155.078, Government Code, is amended by amending the section heading and Subsections (a) and (m) to read as follows:

Sec. 2155.078. **TRAINING AND CERTIFICATION OF STATE AGENCY PURCHASING PERSONNEL AND VENDORS.** (a) The commission shall establish and administer a system of training, continuing education, and certification for state agency purchasing personnel. The commission may *establish and offer appropriate training to vendors on a cost recovery basis.* *The commission may* adopt rules to administer this section, including rules relating to monitoring a certified purchaser's compliance with the continuing education requirements of this section.

(m) The commission's prerequisites for receiving a level-three purchaser certification must include completion of the second training level, passage of a written ~~[and an oral]~~ examination, and a minimum of three years of purchasing experience.

SECTION 2. Subsection (d), Section 2155.262, Government Code, is amended to read as follows:

(d) A state agency shall submit to the commission each uniform registration form that it receives. ~~[The commission shall send to the comptroller a copy of each uniform registration form.]~~

SECTION 3. Subsection (a), Section 2155.263, Government Code, is amended to read as follows:

(a) The commission shall maintain a centralized master bidders list and ~~[annually]~~ register on the list the name and address of each vendor that applies for registration under rules adopted under this subchapter. The commission may include other relevant vendor information on the list.

SECTION 4. Subsection (a), Section 2155.266, Government Code, is amended to read as follows:

(a) The commission may charge a person applying for registration on the master bidders list a registration fee and may charge a registrant a *biennial* ~~[an annual]~~ renewal fee in an amount designed to recover the commission's costs in:

- (1) making and maintaining the master bidders list; and
- (2) soliciting bids or proposals under this subchapter.

SECTION 5. Section 2155.384, Government Code, is amended to read as follows:

Sec. 2155.384. **AUTHORITY TO PAY CHARGES.** The commission, ~~[or]~~ a state agency, *or an entity authorized under Chapter 271, Local Government Code, or Section 2155.202 to purchase from a contract entered into under the authority of the commission* may pay a restocking charge, cancellation fee, or other similar charge if the commission, *state agency, or other entity* determines that the charge is justifiable.

SECTION 6. Section 2155.445, Government Code, is amended to read as follows:

Sec. 2155.445. **PREFERENCE FOR RECYCLED, REMANUFACTURED, OR ENVIRONMENTALLY SENSITIVE PRODUCTS.** (a) The commission and state agencies shall give preference to ~~[a product made of]~~ recycled, *remanufactured, or environmentally sensitive products, as those terms are defined by rule of the commission,* ~~[materials]~~ in